

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION,  
OPIATE LITIGATION**

**MDL NO. 2804**

**Case No. 17-MD-2804**

**THIS DOCUMENT RELATES TO:**

**Judge Dan Aaron Polster**

*Rees v. McKesson Corporation, et al.*

S.D. IL, C.A. #18-00511; MDL Case #1:18-OP-45252

*Wood v. Purdue Pharma L.P., et al*

E.D. MO, C.A. #18-00385; MDL Case #1:18-OP-45264

*Salmons v. Purdue Pharma L.P., et al*

S.D. WV, C.A. #18-00385; MDL Case #1:18-OP-45268;

*Ambrosio v. Purdue Pharma L.P., et al*

C.D. CA, C.A. #18-02201; MDL Case #1:18-OP-45375

*Flanagan v. Purdue Pharma L.P., et al*

W.D. TN, C.A. #18-02194; MDL Case #1:18-OP-45405

*Whitley, et al. v. Purdue Pharma L.P., et al*

W.D. TN, C.A. #18-02290; MDL Case #1:18-OP-45598

*Roach v. McKesson Corporation, et al.*

E.D. LA, C.A. #18-04165; MDL Case No. #1:18-OP-45662

*Hunt v. Purdue Pharma L.P., et al*

D. MD, C.A. #18-01349; MDL Case No. #1:18-OP-45681

**MOTION TO ESTABLISH  
SEPARATE NAS BABY TRACK**

Plaintiffs and Putative Class Representatives, through undersigned counsel, respectfully request that this Court establish a separate NAS Baby track as described below.

As discussed at length in the attached supporting memorandum, these cases were brought on behalf of persons born with Neonatal Abstinence Syndrome (NAS). The NAS Babies are as

identifiable as they are blameless, and their interests are currently unrepresented in the ongoing settlement discussions and in the various limited tracks and committees recognized by the Court. They are suffering now and present the Court with the unique opportunity to assure delivery of life-changing medical intervention and a chance at a productive adult life.

### **The Motion and Relief Requested**

Plaintiffs ask that the Court issue one or more Orders creating a separate discovery and litigation track for centralized discovery, case development, and bellwether trial(s) of Opioid Baby claims in this MDL. The relief requested requires modification of this Court's CMO #1 in MDL 2804. It likely also requires a new Case Management Order governing the new track, which Plaintiffs are prepared to propose to the Court. Within the order creating this track, it is respectfully requested that the Court:

1.

Authorize and direct specialized discovery and case development steps in a track unique to the claims of the "NAS Babies," or persons born with Neonatal Abstinence Syndrome (NAS).

2.

Authorize proceedings against selected Defendants and using selected theories of the law, including theories unique, or particularly well suited, for the NAS Babies' Claims.

3.

Direct counsel for the centralized efforts in the NAS Baby track to coordinate non-unique discovery efforts where possible with centralized discovery efforts common to all centralized cases, and direct counsel for other tracks to coordinate these efforts.

4.

Select lead, coordinating, committee and trial counsel for the track.

5.

Select one or more bellwether cases, schedule them for trial and try the cases to verdicts and judgments.

6.

Define the role, and direct involvement of lead counsel for the track, in settlement negotiations but prohibit settlement without prior approval of the Court.

7.

Issue additional directions to counsel and the parties to govern the NAS Baby track in the best interests of the track.

For all of these reasons, more fully expressed in the attached memorandum, Plaintiffs pray that their motion is granted.

Respectfully submitted,

/s/ Scott R. Bickford

**MARTZELL, BICKFORD & CENTOLA**

Scott R. Bickford (LA 1165)

Spencer R. Doody (LA 27795)

338 Lafayette Street

New Orleans, LA 70130

Telephone: 504-581-9065

Facsimile: 504-581-7635

[sbickford@mbfirm.com](mailto:sbickford@mbfirm.com)

[srd@mbfirm.com](mailto:srd@mbfirm.com)

[usdcndoh@mbfirm.com](mailto:usdcndoh@mbfirm.com)

/s/ Celeste Brustowicz  
**COOPER LAW FIRM, LLC**  
Celeste Brustowicz (LA 16835)  
Barry J. Cooper, Jr.  
Stephen H. Wussow (LA 35391)  
Victor Cobb  
1525 Religious Street  
New Orleans, LA 70130  
Telephone: 504-399-0009  
[Cbrustowicz@sch-llc.com](mailto:Cbrustowicz@sch-llc.com)

/s/ Kevin W. Thompson  
**THOMPSON BARNEY LAW FIRM**  
Kevin W. Thompson  
David R. Barney, Jr.  
2030 Kanawha Boulevard, East  
Charleston, WV 25311  
Telephone: 304-343-4401  
Facsimile: 304-343-4405  
[Kwthompsonwv@gmail.com](mailto:Kwthompsonwv@gmail.com)

/s/ James F. Clayborne  
**CLAYBORNE, SABO & WAGNER, LLP**  
Sen. James F. Clayborne (IL 45627)  
525 West Main Street, Suite 105  
Belleville, IL 62220  
Telephone: 618-239-0187  
Facsimile: 618-416-7556  
[jclayborne@cswlawllp.com](mailto:jclayborne@cswlawllp.com)

/s/ Jack W. Harang  
**LAW OFFICES OF JACK W. HARANG**  
Jack W. Harang (LA 15083)  
2433 Taffy Drive  
Kenner, LA 70065  
Telephone: 504-810-4734  
[jwharang@gmail.com](mailto:jwharang@gmail.com)

/s/ Kent Harrison Robbins

**THE LAW OFFICES OF KENT HARRISON  
ROBBINS, P.A.**

Kent Harrison Robbins (FL 275484)

242 Northeast 27<sup>th</sup> Street

Miami, FL 33137

Telephone: 305-532-0500

Facsimile: 305-531-0150

Primary: [Khr@khrlawoffices.com](mailto:Khr@khrlawoffices.com)

Secondary: [ereyes@khrlawoffices.com](mailto:ereyes@khrlawoffices.com)

Tertiary: [assistant@khrlawoffices.com](mailto:assistant@khrlawoffices.com)

/s/ Donald Creadore

**THE CREADORE LAW FIRM, P.C.**

Donald Creadore (NY 2090702)

450 Seventh Avenue - 1408

New York, NY 10123

Telephone: 212-355-7200

Facsimile: 212-583-0412

Primary: [donald@creadorelawfirm.com](mailto:donald@creadorelawfirm.com)

Secondary: [donald@aol.com](mailto:donald@aol.com)

/s/ Warren Perrin

**PERRIN, LANDRY, deLAUNAY**

Warren Perrin

251 La Rue France

P. O. Box 53597

Lafayette, LA 70505

Telephone: 337-233-5832

[Perrin@plddo.com](mailto:Perrin@plddo.com)

/s/ Kevin Malone

**KRUPNICK CAMPBELL MALONE ET AL**

Kevin Malone

12 SE 7<sup>th</sup> St #801

Ft. Lauderdale, FL 33301

Telephone: 954-763-8181

[Kmalone@krupnicklaw.com](mailto:Kmalone@krupnicklaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of August, 2018, a copy of the above and foregoing has been electronically filed with the Clerk of Court using the CM/ECF system, which provides an electronic service notification to all counsel of record registered as CM/ECF users.

/s/SCOTT R. BICKFORD